IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3669 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AC DAVE - Petitioner
Versus
STATE OF GUJARAT & 1 - Respondents

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Appearance :
MR PV HATHI for Petitioner : 1,
MR AMIT P PATEL AGP for Respondents : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 02/08/2007

ORAL JUDGMENT

1. Shri Hathi, learned counsel appearing for the petitioner submits that the present petition was filed in 1998 by the petitioner, Deputy

Mamlatdar of Sabarkantha District, to consider his case for promotion to the post of Mamlatdar after correcting his seniority in the combined State list of Deputy Mamlatdars, as he had passed the necessary R.Q. Examination within the prescribed period and prescribed chances. However, as the petitioner has now retired on reaching the age of superannuation in January, 2001 and as he had earned the benefit of higher grade scale of the post of Mamlatdar while remaining as Deputy Mamlatdar and accordingly he got the benefit of higher pay of Mamlatdar and consequent fixation of pension in the pay scale of Mamlatdar and any change in seniority is now made, he was not to get any further monetary benefit and, therefore, the petitioner does not intend to pursue the petition and seeks permission to withdraw the petition.

2. The permission as sought for is granted. Petition is dismissed as withdrawn. Rule discharged. There shall be no order as to costs.

(S.R.BRAHMBHATT, J.)

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